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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Foundation for Aboriginal and Islander Research Action Aboriginal Corporation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[07 August 2018]

* Issued as received, in the language(s) of submission only.

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Annual Panel Discussion on the Rights of Indigenous Peoples – Participation and inclusion of indigenous peoples in the development and implementation of strategies and projects in the context of the 2030 Agenda for Sustainable Development

Issues/concerns

Australia's first voluntary national review on progress with the Sustainable Development Goals (SDGs) was considered at the United Nations High Level Political Forum in July this year.

In its report1, Australia stated that "[it] is committed to the SDGs as a universal global approach to reduce poverty, promote sustainable development and ensure the peace and prosperity of people across the world [noting that] "[t]he SDGs reflect the things that Australians value highly and seek to protect, like … our Aboriginal and Torres Strait Islander cultures and heritage."2

Throughout its report, Australia makes admissions that Aboriginal and Torres Strait Islander peoples are at risk of being left behind. Australia makes specific mention of the disadvantage suffered by First Peoples in its commentary against Goals No. 1 (poverty) 3, No. 2 (food security), No. 3 (health and well-being), No. 4 (education), No. 5 (gender equality), No. 6 (water and sanitation), No. 7 (energy), No. 8 (employment), No. 10 (inequality), No. 13 (climate change), No. 14 (oceans), No. 15 (land) and No. 16 (justice).

However, FAIRA has a number of concerns with the report and how it is prepared.

Firstly, although Australia's report highlights actions taken to meet the SDGs, there is no comprehensive strategy or plan of action. While the report acknowledges the appalling lack of infrastructure (housing, health, education, sanitation and water, communications, energy) in most remote Aboriginal and Torres Strait Islander communities, there are no plans to overcome these deficits; where are the plans to raise the standards to the level enjoyed by most predominately non-Aboriginal communities? Furthermore, although most First Peoples live in urban and provincial locations, there are no concrete plans to overcome housing shortages and overcrowding in these settings.

Further, there are no agreed measures for monitoring progress against the goals. Without disaggregated data, how can government know if the SDGs are being reached? Australia should provide data disaggregated by income, gender, age, race, ethnicity, migratory status, geographical location and other characteristics relevant to national contexts in accordance with target 17.18.

Secondly, the extent of First Nations' participation in the conduct of the review and the compilation of the report's contents is not apparent; we note that First Peoples were involved in the artwork, design and typeset for the report. There does not appear to be an open and transparent process in the conduct of the review and preparation of the report involving the non-government sector, specifically First Peoples' organisations. Although the National Congress of Australia's First Peoples4 (National Congress), is included in the list of organisations consulted on the Voluntary National Review draft, the strength of this engagement is not clear.

Given its precarious financial position as a result of a decision by the Australian Government in 2014 to defund it, any involvement by the National Congress would have been perfunctory at best, possibly even tokenistic. The National Congress needs to be provided with sufficient resources to participate fully in the review process and advocate for Australia's First Peoples.

Finally, FAIRA reiterates strongly its view that many of the strategies, policies and programmes aimed at reducing First Peoples' disadvantage and improving outcomes against the SDGs cannot be successful until First Peoples have a central role in their development and implementation. They must be developed consistent with the Declaration on the Rights of

1 Report on the Implementation of the Sustainable Development Goals 2018.

2 Ibid., 6.

3 "Groups more likely to experience deep and persistent disadvantage include … Aboriginal and Torres Strait Islander peoples." Ibid., 22

4 Ibid., 14. The National Congress was listed as one of the NGOs consulted but its name was spelt incorrectly.

Indigenous Peoples, specifically Article 3: the right to self-determination and the principle of free, prior and informed consent. Until a genuine act of self-determination, acceptable to First Peoples, and which acknowledges First peoples' continuing sovereignty is achieved, attempts to achieve the goals will prove futile.

FAIRA also has a number of concerns with the whole approach to the 2030 Agenda.

There remain serious gaps in the 2030 Agenda. It does not recognise Indigenous peoples' collective rights or our right to self-determination as elaborated in the UN Declaration on the Rights of Indigenous peoples (the Declaration). Its emphasis on GDP focused growth pays no respect to Indigenous peoples' rights to maintain our identities and protect our cultures. For instance, although education is one of the goals, our right to education in our languages is not reflected.

There are no opportunities for representatives of Indigenous Peoples (or any other NGOs) to participate in the High-Level Political Forum at which states present their review reports. If these forums are truly about accountability for progress (or lack thereof) against the goals, then civil society must be permitted to participate in the reviews.

Recommendations

The Australian Government must:

1. **Work with First Peoples' organisations to give effect to the Declaration in Australian law;**
2. **Put in place structural processes which facilitate First Peoples' active participation in the development of policies and programmes aimed at supporting our achievement of the goals;**
3. **Properly resource the National Congress as the only national representative body for Australia's First Peoples so that it can effectively perform its mandate to promote, protect the rights of, and advocate for, the Aboriginal and Torres Strait Islander peoples;**
4. **Implement an open and transparent process for civil society, including representatives of First Peoples, to participate in the review of progress or lack of progress against the goals and the preparation of the report.**

The United Nations must revise the 2030 Agenda to:

1. **Properly reflect the principles of self-determination, cultural integrity and free, prior and informed consent as enshrined in the Declaration;**
2. **Open up the High-Level Political Forum to Indigenous peoples and other NGOs to ensure greater transparency and accountability; and**
3. **Ensure States report on progress against the SGDs disaggregated by indigeneity, in order to demonstrate progress or lack thereof in the achievement of the SDGs by Indigenous peoples.**